

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

11/03/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT
S. Yoder
Deputy

STATE OF ARIZONA

ZACH MURPHY

v.

MARCUS LADALE DAMPER (001)

MONIQUE WILHITE

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY SEVEN

Defendant's exhibits 146 – 161 are marked for identification.

State's Attorney:	Zach Murphy
Defendant's Attorney:	Monique Wilhite
Defendant:	Present
Court Reporter:	Laura Ashbrook

10:36 a.m. Trial to jury continues from October 29, 2008.

The jury is not present.

Rule 609 issues are discussed.

The Court finds that as to the Defendant's prior felony conviction, the probative value outweighs the prejudicial effect and the State will be allowed to impeach the Defendant with his prior conviction if he chooses to testify. Evidence may be provided as to the date of conviction, case number, and the fact that it was a felony, but the nature of the offense is precluded unless Defendant opens the door to that information. Defendant's prior conviction is as follows:

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Aggravated Assault, a class 6 non-dangerous felony, committed on June 5, 2006 and convicted on October 19, 2006 in Maricopa County Superior Court cause number CR2006-005115-001DT.

The State is also precluded from going into any alleged gang affiliations of Defendant.

10:40 a.m. The jury is present.

Defendant's case continues:

Nicholas Stepp is sworn and testifies.

Marcus Damper is sworn and testifies.

Defendant's exhibits 146 – 161 are received in evidence.

11:58 a.m. Court stands at recess.

1:33 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is not present.

The Court addresses the audience and admonishes them not to react to testimony or make gestures to the witness.

1:37 p.m. The jury is present.

The Court gives the jury a brief instruction.

Marcus Damper resumes the stand and testifies further.

Questions are received from the jury. Same are discussed with counsel and appropriate questions are asked of the witness.

FILED: Juror Question Form (4).

2:30 p.m. The jury leaves the courtroom; court stands at recess.

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2:47 p.m. Court reconvenes with the Defendant and respective counsel present.

Court Reporter Laura Ashbrook is present.

The jury is present.

Marcus Damper resumes the stand and testifies further.

The defense rests. Both sides rest.

2:48 p.m. The jury is excused for the day. Court remains in session.

Final Jury Instructions are settled.

3:33 p.m. Court stands at recess until November 4, 2008 at 1:30 p.m.

Later:

Pursuant to stipulation of counsel,

State's exhibit 130 is received in evidence.

Defendant's exhibit 162 is marked and received in evidence.